(MR. SPEAKER.)

Sri P. R. Ramaiya which is as follows:

"That this House do now adjourn to discuss a matter of public importance and of recent occurrence, *viz.*, throwing out of employment many temporary teachers working in Mysore District Board High Schools."

Has the Hon'ble Minister for Education anything to say in the matter ?

**Sri A. G. RAMACHANDRA RAO** (Minister for Law and Education).—The allegation is so vague and there is no emergency either at all. Therefore the motion is not in order, Sir.

**Mr. SPEAKER.**—Has the Hon'ble Member Sri P. R. Ramaiya anything to say ?

**Sri P. R. RAMAIYA** (Basavangudi).—Sir, under a Government order issued on 6th April, many temporary teachers of the Mysore District Board High Schools have been given notice of terminating their appointments; and they have represented to me that they have served in these schools for a number of years and their appointments are at stake, owing to the pressing nature of the operation of the C.R.B. Rules. They say it is not possible for them under the prevailing circumstances to try for a change in profession. Therefore, they request the Government to consider their case in a sympathetic manner.

1 P.M.

Sir, this is a matter of urgent public importance and I have brought it to the notice of the Government. They may do the needful.

**Mr. SPEAKER.**—I need not read the adjournment motion. According to rules 40 and 42 of the Rules of Procedure, the matter to be raised must be, among other things, d e f i n i t e. The above motion for adjournment of the House, I am afraid, is not definite as the member has not stated when the teachers were thrown out of employment. Besides, the member himself has stated that the teachers were holding appointments of a temporary nature and as such likely to be terminated. I therefore hold that this is not in order.

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## Morning Session on Tamil New Year's Day.

**Sri J. MOHAMED IMAM** (Jagalur).—One request to the House. Tomorrow happens to be the Tamil New Year day and many of my friends feel that the session may be held in the morning, so that they may observe the usual spiritual rites in the afternoon.

**Sri K. HANUMANTHAIYA** (Leader of the House).—The Hon'ble Member has made a suggestion that the House may sit in the morning; I have no objection.

**Mr. SPEAKER.**—At 8-30 ?

**Sri K. HANUMANTHAIYA.**—Yes.

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## AMENDMENT TO THE CONSTITUTION.

### (Statement by the Chief Minister).

**Sri K. HANUMANTHAIYA** (Chief Minister).—Sir, I believe my Hon'ble friend the Law Minister said that a statement would be made in regard to the request made on the floor the House regarding the amendment to the Constitution. There is a definite procedure prescribed by the Constitution under Article 368 as to how constitutional amendments have to be effected. According to that article, Sir, in certain respects the State Legislatures have been conferred the right to ratify. I do not find the power of initiation being given to the State Legislature so far as the constitutional amendments are concerned. This Legislature as well as the Government work according to the articles of this Constitution. T h e r e f o r e, strictly construed, it is a matter for consideration whether this House can sponsor constitutional amendments. If it is to be looked at from the point of view of the rights and privileges and responsibilities conferred on this House, this House has no power to initiate constitutional amendments. If you take, what is called, the general view of the matter and not the legal and constitutional view of the matter, it is open to this House to discuss any matter. When there is a specific

provision of the Constitution and when we depart from these terms, the discussions that we may carry or may not carry the weight that this House deserves. Since we have no power of initiation, it may be said by Parliament that a right not given to the State Legislature has been attempted to be exercised. Therefore, Sir, I am rather doubtful whether any useful purpose would be served by this House discussing constitutional amendments by way of initiating those amendments.

We can, Sir, overcome the difficulty in another way. It is true, as I have said on the floor of this House as well as the other House, that a letter has been received by this Government suggesting that we may send our views in regard to the constitutional amendments. They have stated therein that the Judiciary required to be reformed, constitution and working of the Public Service Commission deserved to be examined. These are the two specific matters that are stated therein. Regarding the rest of the matter, it has been left to the Government to send whatever proposals they want and it is the Home Minister, Government of India, who will ultimately shape the amendments he thinks necessary to be moved on the floor of the Parliament. Therefore, he has called for the views of the Government and not of the Legislature. But the Ministry represents the Legislature. It would be, therefore, incongruous for us to send constitutional amendments which are not generally acceptable to the House when those amendments are sponsored or moved in Parliament.

Therefore, Sir, I have suggested to some of my friends that before Government send their views on various matters we may have an informal consultation. It would be not only extending due courtesy to the members of this House but also it will strengthen the hands of the Government so far as their proposals are concerned. I therefore, suggest, Sir, that an informal meeting of some of the members who represent or who may be taken to represent the views of this House, whether of the Treasury Benches or of the Opposition Party or of the Independants, may be summoned after the Session of the Legislature concludes. Whatever proposals that are unanimously accepted by that informal conference may be sent to Government of India as the views of the State Government. I hope this procedure is acceptable to this Hon'ble House.

MR. SPEAKER.—It is Sri Pattabhi Raman who raised this point. Has he got anything to say?

SRI K. PATTABHI RAMAN (Kolar).—I wish to say only a few words. Without conceding the general background which has been canvassed by the Hon'ble the Chief Minister, I personally see there is both wisdom and tact, as it were, in the suggestion that he has made. Since I am not quarrelling with the concrete suggestions that he has made, I do not propose to land myself in the general discussion on the constitutional propriety or otherwise of discussing this matter on the floor of the House, though it certainly raises a great deal of controversy. No doubt the interpretation that he has sought to give to the provisions of the Indian Constitution whereby the initiative in the matter of suggesting amendments to the Constitution was with the Central Government and the State, in consultation with the local legislatures, would send, when such concrete proposals or amendments from the Central Government are transmitted to the respective State Governments for the expression of their views, so that altogether they may be considered finally by the Central Parliament, is certainly sound and very correct. I would rather say that, I do not think the Constitution in so many words rules out the possibility of such discussion on the amendments or possible amendments. Anyway, as it is not necessary that we should get into the niceties of this discussion, I am personally in agreement with the Chief Minister provided it is acceptable to all the Hon'ble Members of this House. I do not want to carry this controversy further and I accept, Sir, without exactly agreeing to the letter of the remarks made by the learned Chief Minister, his suggestion.

*Sri M. V. RAMA RAO (Tumkur).—I want to know whether there would be a discussion on the statement made by the Hon'ble the Chief Minister in respect of this matter.

Mr. SPEAKER.—No; not in this House at present.

Sri M. V. RAMA RAO.—If the nature of the amendments to be proposed as being desirable to the Constitution of India is not to be discussed, divulged or debated upon on the floor of this House, I should like to know whether it is to be assumed that a hand picked committee of Hon'ble Members of this House, assumed to represent the views of this House as a whole, would be really doing themselves or the House or the Constitution any justice in formulating amendment in regard to the Constitution, the nature of which is not known to this House and the background of which has not been disclosed to this House by the Hon'ble the Chief Minister. That would be a very unfair position for this House. That is what I feel about it. So far as the amendment to the Constitution is concerned, although it may be that the views of the State Government as such and not those of the Legislature are invited by the Central Government, those views must necessarily relate only to those matters which are contained in the articles to which the Hon'ble the Chief Minister made reference, *i.e.*, to matters like election of the President of the Republic, the Union Judiciary, the State Judiciary, the federal structure, the various lists of legislative matters—the Union list, State List and the Concurrent list—and so on and so forth, and if any of these matters are to be treated as confidential and as being worthy of being designated or kept as State secrets, then this House would be in a very disadvantageous position with regard to those matters and it is quite inconceivable how a matter of amending the Constitution can be a matter of secret or of cofidential nature. That is the difficulty that I wanted to express and I do not know if the Hon'ble the Chief Minister would like to make any further statement.

Mr. SPEAKER.—I remember to have seen in some newspapers that Hyderabad and other States have proposed certain amendments. I do not know what procedure they have adopted in those States.

*Sri A. BHEEMAPPA NAIK (Molakalmuru).—Unless there is a constitutional provision for us to discuss either under the Constitution or under the Rules of Procedure, would it be proper for us to take up the particular amendments and debate upon, especially when we have no right to initiate amendments? It is a proposal every legislator and everybody in the State is entitled to know but whether we could debate upon such a thing in the House without proper constitutional provision and whether we could take up such a subject is also a matter for consideration.

Sri M. V. RAMA RAO.—They cannot lay the matter before this House. There is no provision enabling us to do so. There is no doubt about that. But neither is there any provision enabling the State Government to send up proposals for amending the Constitution, and no provision in the Constitution enabling them to send their proposal for modifying the Constitution or amending it. But the matter is dealt with probably at the political level and not at the governmental level and therefore any Committee set up by this House could not effectually and properly participate in these discussions because the matter is dealt with at the political level and not at the administrative or governmental level.

*Sri R. CHENNIGARAMIAH (Kortagere-Madhugiri Scheduled Castes).—The Chief Minister has been pleased to make a statement just now. I can understand that he has got some technical difficulties in consulting this House openly. But he has made a suggestion wherein he says that he will take some of the Hon'ble Members of this House into his confidence at a meeting and discuss the subject with them and send up the proposals as the proposals made by the State Government. I do not know if the non-officia1

* Asterisk indicates that the remarks or speeches Save not been revised by the Member concerned.

members who are taken to that Committee to consult . . . .

Sri K. HANUMANTHAIYA.—It is not a Committee.

Sri R. CHENNIGARAMIAH.—An informal meeting. If those members could represent the State Government as such, if the subject could be discussed at such an informal meeting wherein members of this House are represented, I think it could be as well discussed here. If it is of a confidential nature, it should not be discussed at an informal meeting where the members of the House are represented. If it is confidential, it is only the Cabinet Ministers that are entitled to discuss and send up proposals and not any member of this House, even at an informal meeting. If it is of a confidential nature, it cannot be discussed on the floor of the House. But if any member is chosen to discuss informally, I do not think it is correct. In that case, it could as well be discussed here. If it is confidential, it can only be discussed by the Cabinet Ministers. But if it could be discussed with a member other than a Cabinet Minister, I think it could as well be discussed by the House.

*Sri J. MOHAMED IMAM (Jagalur).—I am one of those who suggested that the Government before sending up recommendations should take the House into confidence. I made this suggestion not with a view to embarrass the Government or place them in any embarrassing position. Recently, the Chief Minister of this House sent for me and some other members of this House and one of the difficulties he felt was that the letter addressed to him is marked confidential and as such he said that the letter being marked confidential, he is not quite sure whether he could place this matter before this House. I said that if it is a confidential matter and the Government are precluded from placing it before this House, I do not want to embarrass the Government. I said at that time it is better that the Government took this House into cofidence with a view to strengthen their hands and see that the proposals are acceptable to them. Now, Sir, it is true that this House cannot initiate any proposals nor can they offer their views to the Government on this matter without placing the Government in any embarrassing position. What I would suggest to you is this: in view of the statement you have made just now as to what is the procedure adopted by other Governments, it is desirable for the Leader of this House and the Chief Minister to ascertain whether this is a matter on which he could invite the opinion of this House, and if the Central Government says that it is only a matter between the Central Government and the State Government, then of course, the matter need not be placed openly before this House; if both the Governments feel that the consultation is of a confidential nature and it cannot be discussed openly, then I think we need not be consulted. Of course, I agree, in the present circumstances, with the suggestion made by the Leader of the House. He wants to consult important members of this House. But the question is whether the entire House is to be taken into confidence or not; for that matter he can get the position clarified and if the Central Government does not come in the way of consulting this House, then I think it is open to him to take this House into confidence and throw it for discussion.

* Sri M. LINGANNA (Nanjangud).—This is an important matter which calls for serious consideration of this House. No doubt, some technical difficulties are there for this House to consider amendments which the State Government would like to propose or send for the consideration of the Central Government. But though there is this constitutional or technical difficulty for this House to consider amendments which the State Government sends, to my mind, if the Government were to think that the amendments that they have thought of sending to the Central Government to the several articles of the Constitution were to be of a secret nature, then as was submitted by Sri Chennigaramiah, it would not be even proper for them to call for an informal conference with some members and discuss them and

(Sri M. LINGANNA).

then take a final decision. But if they think that the matter is not so secret as they now think it to be, I believe that the constitutional difficulty might be got over by this particular method, namely, that the Chief Minister might give a printed or a written statement containing all the constitutional amendments that the Government propose to make; thereby an opportunity would be provided to this House and debate could ensue on that statement and by this method, the constitutional difficulty that might probably come in the way of this House discussing these amendments might be overcome. The Chief Minister could make a brief statement and discussion would ensue on that statement given by the Chief Minister, and at the final stage, the Government might come to the conclusion with regard to the amendments that they seek to make to the several articles of the Constitution. A statement therefore embodying the amendments that they have proposed might be placed before the House and the discussion might ensue. In the light of the observations that some of the members make on the statement, a final decision of the State Government might be taken and thus the constitutional difficulty might be overcome. So, I believe, the matter being so important, it is my view also, that the Government may take this House into confidence and a statement embodying the amendments may be placed before the House and discussion might ensue and thereby in the light of the discussion made in this House, the State Government will be in a position to send final amendments. So, by this way, we can avoid this constitutional difficulty and there would be nothing like impropriety so far as the articles of the Constitution are concerned and this helps in two ways, one by not violating the articles of the Constitution and the other by avoiding the non-consultation of this House. Both these purposes will be served and if the Chief Minister were in a position to accept this method wherein all these difficulties can be solved, I think, the whole matter will be easily closed. I am of the firm opinion that the House should be taken into confidence so far as the amendments are concerned and this is the only way as I have said just now to overcome the difficulties. So I submit that at the time when the Government would send the amendments they should place a statement embodying all these amendments and the House should be allowed to discuss on the statements made by the Chief Minister, and in the light of the discussion they can send the final amendments to the Central Government.

Sri R. CHENNIGARAMIAH.— There is another method. I am sorry I am rising for the second time. If the Chief Minister feels that the provision of the Constitution is ambiguous and feels any doubt about it, he can as well contact the State Ministry and find out whether this could be discussed on the floor of the House.

* ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ (ಸಾಗರ-ಹೊಸನಗರ).—ಈಗ ರಾಜ್ಯಾಂಗದ ತಿದ್ದುಪಡಿಯ ಬಗ್ಗೆ ಈ ಸಭೆಯಲ್ಲಿ ಚರ್ಚಿಸುವುದಕ್ಕೆ ರಾಜ್ಯಾಂಗದ ಅಡ್ಡಿಯಿದೆಯೆಂದು ಹೇಳಿ ಮಾನ್ಯ ಮುಖ್ಯಮಂತ್ರಿಗಳು ಪ್ರಸ್ತಾಪ ಮಾಡಿದರು . . . .

ಶ್ರೀ ಕೆ. ಹನುಮಂತಯ್ಯ.—ಅಡ್ಡಿಯಿದೆ ಎಂದು ನಾನು ಹೇಳಿಲಿಲ್ಲ. ರಾಜ್ಯಾಂಗದ ಪ್ರಕಾರ ಈ ಸಭೆಗೆ power of initiation ಇಲ್ಲ ಎಂದು ಮಾತ್ರ ಹೇಳಿದೆ. What is the final position is a matter yet to be examined.

ಶ್ರೀ ಎಸ್. ಗೋಪಾಲಗೌಡ.—ಅದಕ್ಕಾಗಿಯೇ, ನಾನು, ಈ ಸಂದರ್ಭದಲ್ಲಿ ರಾಜ್ಯಾಂಗಕ್ಕೆ ತಿದ್ದುಪಡಿ ಮಾಡತಕ್ಕ ವಿಷಯ ಒಂದು ಗುಟ್ಟಿನ ಸ್ವರೂಪದ ವಿಷಯವಾಗಲಾರದೆಂದು ಹೇಳಿದೆ. ಇದು ಸಾಧಾರಣವಾಗಿ ಚರ್ಚೆಯಾಗಲೇ ಬೇಕಾಗುತ್ತದೆ. ಪಾರ್ಲಮೆಂಟು ರಾಜ್ಯಾಂಗದ ತಿದ್ದುಪಡಿಗಳನ್ನು ಚರ್ಚೆಮಾಡತಕ್ಕ ಸಭೆಯಾಗಿರುವುದಾದರೂ, ಪ್ರಾಂತ್ಯ ಜನತೆಯ, ಅಭ್ಲಿನ ವಿಧಾನ ಸಭೆಗಳ ಅಭಿಪ್ರಾಯವನ್ನು ಪಡೆಯುವುದಕ್ಕೆ ಯಾವ ಅಡ್ಡಿ ಆತಂಕವೂ ಇಲ್ಲ. ಏನಿದ್ದರೂ, ಯಾವುದೇ ಒಂದು ಪ್ರಾಂತ್ಯ ತಾನೇ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು initiate ಮಾಡುವುದು ಸೂಕ್ತವಾಗುವುದಿಲ್ಲ, ಅದು sponsor ಮಾಡಕೂಡದೆಂದು ವಿಧಿಯಿದೆ ಅಷ್ಟೆ. ಆದ್ದರಿಂದ ಈ ಸಂದರ್ಭದಲ್ಲಿ ಕೇಂದ್ರದವರು ತಮ್ಮನ್ನು, ರಾಜ್ಯಾಂಗದ ತಿದ್ದುಪಡಿ ಮಾಡುವುದರ ಅಗತ್ಯ ವಿದೆಯೇ ಎಂಬದರ ಬಗ್ಗೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಕಳುಹಿಸಿಕೊಡಿ ಎಂದು ತಮಗೆ ಬರೆದಿದ್ದರೂ ಕೂಡ, ಸರ್ಕಾರವೇ ಈ ಸಭೆಯನ್ನು ಪ್ರತಿಬಿಂಬಿಸುತ್ತದೆಂದು ಈಗ ತಾನೆ ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದ ಮಾತು ನನಗೆ ಪೂರ್ಣವಾಗಿ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಹಾಗೆಯೇ ಅವರವರೇ ಪಾಂತ್ಯ ಸರ್ಕಾರಗಳ ಶಾಸನ ಸಭೆಗಳಲ್ಲರ ತಕ್ಕ ಬೇರೆ ಬೇರೆ ಪಕ್ಷಗಳ ಅಭಿಪ್ರಾಯವನ್ನು, ರೀತಿ ನೀತಿಯನ್ನು ತೆಗೆದುಕೊಂಡು ಯೋಚನೆ ಮಾಡಿ ಒಂದು ನಿರ್ಧಾರಕ್ಕೆ ಬಂದರೆ, ಸರ್ಕಾರವೇ ಈ ವಿಷಯದಲ್ಲಿ ಸಭೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಪ್ರತಿಬಿಂಬಿಸುತ್ತದೆ,

ಸರ್ಕಾರದವರು ಕಳುಹಿಸತಕ್ಕ ಆ ಅಭಿಪ್ರಾಯವೇ ಈ ಸಭೆಯ ಅಭಿಪ್ರಾಯವಾಗಿರುತ್ತದೆಂಬುದೂ ಅಷ್ಟು ಸಮಂಜಸವಾಗಿ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಆದ್ದರಿಂದ ಈ ಬಹಳ ಮುಖ್ಯವಾದ ರಾಜ್ಯಾಂಗ ತಿದ್ದುಪಡಿ ಮಾಡ ತಕ್ಕ ವಿಷಯವನ್ನು informal ಆಗಿ ಯಾರು ಈ ಸಭೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ವ್ಯಕ್ತಪಡಿಸಬಲ್ಲರೋ, ಅಂಥ ಮಾನ್ಯ ಸದಸ್ಯರನ್ನು ಕರೆಸಿಕೊಂಡು ಒಂದು ರೀತಿಯ ಚರ್ಚೆಯನ್ನು ಮಾಡಿ ಆ ಅಭಿಪ್ರಾಯವನ್ನು ಕಳುಹಿಸಿ ಕೊಡುತ್ತೇವೆಂಬ ಮಾತು ಕೂಡ ಸಮರ್ಪಕವಾಗುವು ದಿಲ್ಲ. ಈ ಕಾರಣ, ಕೊನೆಯ ಪಕ್ಷ ಸರ್ಕಾರದವರು ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಕಳುಹಿಸುವುದಕ್ಕೆ ಮುಂಚೆ, ಈ ಸಭೆಯ ಮುಂದೆ ಆ ತಿದ್ದುಪಡಿಗಳೇನೆಂಬುದನ್ನು ಹೇಳಿ, ಅವುಗಳ ಬಗ್ಗೆ ಈ ಸಭೆಯ ಅಭಿಪ್ರಾಯವೇ ನೆಂಬುದನ್ನಾದರೂ ಕಳುಹಿಸತಕ್ಕದ್ದು ಸೂಕ್ತವೆಂದು ನಾನು ಅಭಿಪ್ರಾಯಪಡುತ್ತೇನೆ.

1-30 P.M.

**Sri K. HANUMANTHAIYA.**—Sir, I have already explained the position. This is not a matter where the taking of this House into confidence is involved. The letter has been addressed by the Home Minister to me. In that letter, the Home Minister has not asked for elucidation of opinion by the Legislature. After all in the final analysis, it is the Home Minister or some other Minister who is authorised by the Central Cabinet who will have to sponsor amendments to the Constitution in Parliament. Therefore, he naturally invites opinion in order to enable him to place those amendments before the Parliament. If it was his wish that all the State Legislatures should say what they have got to say in the matter, probably he would have written a letter unequivocally to that effect. The very fact that that letter is not written in those terms shows that this has been done more on the basis of informal discussion than on the basis of legislative discussion.

There is another insuperable difficulty involved in the proposal made by some of the Members that this might as a whole be discussed on the floor of the House. The suggestions now asked by the Home Minister of the Government of India does not pertain to any particular article in question. It is the general view that is sought to be elucidated. If we proceed to discuss the whole Constitution consisting of about four hundred articles and the amendments to be moved thereon, probably discussion will take place for several weeks. If members take interest in everyone of the articles in the Constitution, discuss on every article of the Constitution and give notice of amendments to each article,--may be one or several-- that will be a stupendous procedure for us to envisage and go through. Besides, there may be difference of opinion in the House. Some amendments may be accepted; some amendments may not be accepted; some amendments may be voted by a simple majority and a substantial minority may not be in agreement with the amendments passed. These are various difficulties that beset our path. Since the Home Minister has asked the opinion of the Chief Minister in an informal manner, it is better to follow that informal procedure. If at any stage.....

**Sri M. V. RAMA RAO.**—If informal, why should it be brought before the House? If it is a personal matter such as is referred to in the confidential letter.....

**Mr. SPEAKER.**—Because that was raised.

**Sri K. HANUMANTHAIYA.**—Therefore, Sir, if during the course of discussion, informally the Government of India wants the views of the State Legislature, I for one would be very happy to place all the proposed amendments before the House for discussion. But that is not now the intention of the Central Government, and to go beyond the scope of the work allotted to us would not be in keeping with the dignity of this House. I advisedly said 'dignity' because, some of the amendments sponsored may be accepted or may not be accepted. It should be nobody's view that there is open difference of opinion between the Parliament and the State Legislatures on important matters. The final responsibility under the Constitution lies with the Central Government and the Parliament to sponsor and get amendments moved. We may send our views. On such of the views acceptable to them, they will formulate amendments and place them before the Legislature. That is the right way. That is the wise way we have to adopt.